



CITY OF DANBURY
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PLANNING COMMISSION
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MINUTES
JUNE 19, 2013

The meeting was called to order by Chairman Arnold Finaldi Jr. at 7:30 PM.

Present were Fil Cerminara, Helen Hoffstaetter, Arnold Finaldi Jr., Joel Urice and Alternate Robert Chiochio. Also present was Associate Planner Jennifer Emminger.

Absent was Alternate Michael Ferguson.

Chairman Finaldi noted that they have a vacant seat on the Commission as Mr. Keller resigned after the special meeting held on June 12, 2013. Chairman Finaldi then seated Mr. Chiochio for the items on tonight's agenda.

Mr. Urice made a motion to accept the April 17, 2013 minutes. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

PUBLIC HEARING

7:30 PM – M.M.E. LLC – Application for Special Exception/Revised Site Plan Approval to allow uses (Business Office, Manufacturing, & Warehouse) generating over five hundred (500) vehicle trips per day in the IG-80 Zone – 59 Eagle Rd. (#L10012) – SE #730.

Mr. Urice read the legal notice. Mark Kornhaas, Artel Engineering spoke in favor of application. He said they have received an approval from EIC for a Regulated Activity (#474R) on June 11, 2013. He said they also have applied for a Floodplain Permit. This property consists of about 7.5 ac. and is zoned IG-80. There was an 11,850 sq.ft. addition approved in 2002 and tonight they are proposing a 13,160 sq.ft. addition. The gross floor area of the existing building is 77,497 sq.ft. It has four tenants: Cierant Corp., a printing production use consisting of 9,852 sq.ft., Blake Power Equipment, a wholesale distribution consisting of 11,790 sq.ft., Harrell's, another wholesale distribution of about 11,480 sq.ft., and lastly, RK Manufacturing, about 44,375 sq.ft. used for the manufacture of surgical instruments. He said all of this information is listed on the site plan in the parking table. The proposed two-story addition is for RK Manufacturing and will be split between their office and manufacturing areas. This proposal also will include improvements to the rear parking lot, landscaping and handicapped accessibility. Both the office and manufacturing are permitted uses in this zone, but this additional space combined with the existing space as well as the other uses, causes an increase of 112 trips per day, which brings the total trip generation to 547 per day. He said they are not

expanding the operation, they just need more room. Mr. Kornhaas continued saying that all of the driveways are off of Executive Dr.; there is no access from Eagle Rd. The site distances are very good with nice wide angles to accommodate trucks. He said they have been working with the City Traffic Engineer and some changes are being made at his request. He said the uses in the building require a total of 148 parking spaces, of which 122 are for RK Manufacturing. The proposed addition brings the required parking to 154 spaces, which are shown on the revised site plan submitted with this application. He pointed out that Mrs. Emminger mentions in her staff report that 20 spaces are located across the street on another lot. This additional parking was approved in conjunction with the 2002 addition. He added that they are reducing the number of compact spaces by converting them to regular spaces and they also will be installing a stormwater management system. There were no questions from the Commission.

Chairman asked if there was anyone in opposition to this and there was no one.

Mrs. Emminger said all of the department reports are in, and they are now waiting for revised plans to be submitted. She asked them to keep the hearing open in because staff has not seen revised plans yet. She then asked that they give her some guidance since the July 3rd meeting is cancelled, and then they can close the hearing and act on it at the July 17th meeting. Chairman Finaldi said they would do that under Other Matters and asked for a motion to continue.

Ms. Hoffstaetter made motion to continue the public hearing. Mr. Urice seconded the motion and it was carried unanimously.

REFERRALS

8-3a Referral – Petition of the City of Danbury by Dennis I. Elpern, Planning Director to Amend Secs. 2.B., 4.B.7., 10.C.3. & 10.E. of the Zoning Regulations. (Amend Affordable Housing Regulations & Special Exception/Special Permit Regs.)

Mrs. Emminger referred to the Planning Department staff report dated April 16, 2013. She said it is quite detailed and explains the two different kinds of Affordable Housing applications. There are applications regulated by the State Statutes; these are 8-30g applications. And applications regulated by the City through the Zoning Regulations, which are Housing Incentive Options. These applications are a special exception use and must come before this Commission. She explained that Danbury is exempt from 8-30g applications now because we are above the 10% quota of Affordable Housing that we are required to provide. Chairman Finaldi briefly spoke about when the State first implemented the Affordable Housing regulations in the early 1990's. He said he believes that we have been over the 10% for most of the time that these regulations have been in effect. Mrs. Emminger then said units that are designated as Affordable Housing must be kept that way through the deed. These are ministerial changes not substantive. She said the change to the special exceptions and special permits language is also meant to clarify. The existing language makes it seem as though these kinds of approvals expire and they do not. Site plan approvals expire but these grants go with the land no matter who owns it. There were no questions. Mr. Urice made a motion to give this a positive recommendation for the following reasons:

These amendments will clear up existing inconsistencies in the definition and processing of affordable housing applications. It will also clarify the language regarding the filing of special exceptions versus the expiration of site plan approvals.

Ms. Hoffstaetter seconded the motion and it was passed unanimously.

8-3a Referral – Petition of Equity One Inc to Amend Sec. 5.B.2.b.(16) of the Zoning Regulations. (Add Fast Food as Special Exception Use to CA-80 Zone)

Mrs. Emminger referred to the staff report prepared by the Planning Director dated June 17, 2013. This report expressed concerns about the existing traffic on Mill Plain Rd. and whether it could handle the additional traffic that a fast food restaurant could bring. The report also stated that the reason fast food is not allowed on Mill Plain Rd. is because it is not a six lane highway and it is just not suitable for high traffic generating uses. Chairman Finaldi pointed out that over the past ten years, the Planning Director has worked diligently to clean up all of the zoning districts, and to be sure that the uses are suitable to the purpose and intent of the zone. He added that it would be detrimental to the City to start adding incremental uses back in to the zones. There was brief discussion about what led to the creation of the CA-80 zone in the early 1980's. At that time, there was no retail allowed in the new zone, except for any that was pre-existing. In 1995, several property owners applied to amend the regulations and retail sales were added to the zone, but fast food was always prohibited. Chairman Finaldi noted that where the Duchess is today was allowed because it was the site of Moffa's Hot Dogs for many, many years. Mrs. Emminger reminded the Commission of the referral for ice cream and frozen yogurt that came before them last year. Mr. Chiocchio asked if the regulations actually define fast food. Mrs. Emminger read the definitions of restaurant and fast food restaurants. She then pointed out the definition of ice cream and frozen yogurt store, which was adopted last year when the amendment was passed. She said this is very different from a McDonald's or Burger King. Mr. Urice said he has the same concern as the Planning Director. The existing Mill Plain corridor cannot handle any more traffic; every single additional car causes more headaches. He then made a motion to give this a negative recommendation for the following reasons:

Fast food restaurants are a major traffic generator and adding them to the CA-80 zone would open up the already overburdened roadway (from Lake Ave. Ext. through Mill Plain Rd. to the New York border) to additional traffic, which it really cannot handle.

Mr. Chiocchio seconded the motion. Ms. Hoffstaetter asked about convenience stores being added that have a Dunkin Donuts inside of them. Mrs. Emminger said it would probably not be allowed in this zone. Chairman Finaldi called for a vote on the motion to give a negative recommendation and it was passed unanimously.

Chairman Finaldi said they had promised Mrs. Emminger that they would discuss the MME application under Other Matters so as to give her some guidance in preparing a resolution of decision. Mr. Urice said he felt this application was pretty straightforward unless something pops up. Chairman Finaldi explained to Mr. Chiocchio why this application is before them and why trip generation is a special

exception use. He then pointed out that in this case, the amount of trips over the 500 mark is insignificant, the uses on this site are not the kinds that create a lot of traffic. Ms. Hoffstaetter said she agreed with all of this, there is nothing objectionable about this.

Chairman Finaldi said the items listed under For Reference Only are three Floodplain permits. Mr. Urice asked about the amendment to the Floodplain permit for Marcus Dairy. Mrs. Emminger said the reason for this revision is because there was a condition put on the special exception/site plan approval that any revisions to the site plan would require the floodplain permit also be revised.

At 8:25 PM, Mr. Urice made a motion to adjourn. Mr. Cerminara seconded the motion and it was passed unanimously.